EXHIBIT "1"

Michael Walsh [155401]
Walsh & Walsh PC
420 Exchange #270
Irvine, CA 92602
Telephone: (714) 544-6609
Email: walshandwalsh@gmail.com

Matthew Shier [072638]
shierkatz RLLP
930 Montgomery Street, Suite 600
San Francisco, CA 94133
Telephone: (415) 691-7027
Email: mshier@shierkatz.com

William McGrane [057761]
McGrane PC
Four Embarcadero Center, 14th Floor
San Francisco, CA 94111
Telephone: (415) 292-4807
Email: william.mcgrane@mcgranepc.com

Attorneys for Plaintiff Daniel Chavez, an individual person, on behalf of himself and all others similarly situated

SUPERIOR COURT

IN AND FOR THE COUNTY OF ORANGE

STATE OF CALIFORNIA

DANIEL CHAVEZ, an individual person, on behalf of himself and all others similarly situated, Plaintiff, v. LINEBARGER GOGGAN BLAIR & SAMPSON, LLP, a foreign limited liability law partnership, Defendants.	Case No. **CLASS ACTION** **COMPLAINT FOR VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT** Dept CX104

Comes now Plaintiff Daniel Chavez (Plaintiff) and alleges as follows:

The Parties

1. Plaintiff is an individual person and a resident of Orange County, California. Plaintiff has very recently physically moved overseas in order to serve his country as a member of the Peace Corps, but he continues to maintain a United States residence in the City of Anaheim, Orange County, California, which home he and his wife share occupancy of with his parents. Plaintiff received a LLP Demand Letter (as that term is defined, *infra*) from LLP (as that term is defined, *infra*) during the Class Period (as that term is defined, *infra*) which letter was personally delivered by mail to him at his home in the City of Anaheim, Orange County, California, on January 19, 2017, before he left for overseas.

2. Defendant Linebarger Goggan Blair & Sampson, LLP (LLP) is a foreign limited liability law partnership, organized and existing under the laws of Texas, which has its principal place of business in Travis County, Texas.

Jurisdiction

3. This court has jurisdiction over this case by virtue of the provisions of the Fair Debt Collection Practices Act of 1978 (15 U.S.C. §§ 1692–1692o [FDCPA]) in that 15 U.S.C. § 1692k(d) of the FDCPA grants concurrent jurisdiction over all actions to enforce the FDCPA to any court of competent jurisdiction. This case is brought in state court rather than federal court because the federal court's lack Article III jurisdiction over FDCPA case while the California state courts have jurisdiction without the need for any case or controversy jurisdiction attaching to a matter before them. *See Jasmine Networks, Inc. v. Superior Court* (2009), 180 Cal. App. 4th 980.

4. Venue is proper in Orange County because the injury at issue in this case occurred in this Orange County. *See* Cal. Code of Civ. Pro. Section 395(a).

Charging Allegations

5. On January 19, 2017, LLP sent Plaintiff a form of demand letter (LLP Demand Letters) of a type which LLP regularly addresses to consumers on behalf of many of LLP's clients. The LLP Demand Letter identified LLP as consisting of "Attorneys at Law" who had been "retained to resolve" a $103.20 debt allegedly owed by Plaintiff to the Orange County Transportation Authority. It demanded Plaintiff pay LLP that sum for the benefit of the Orange County Transportation Authority. Having previously identified itself as consisting of "Attorneys at Law," LLP also signed the LLP Demand Letter as "Linebarger, Goggan Blair & Sampson, LLP," thereby reinforcing the initial impression given by the LLP Demand Letter's heading that the LLP Demand letter was one addressed to Plaintiff by an attorney.

6. At all times relevant herein LLP's consistent business practice has been not to have any attorney review the particulars of any debt owed by any consumer to any LLP clients prior to sending such consumers LLP Demand Letters on behalf of such clients.

7. At all times relevant herein 15 U.S.C. § 1692e(3) of the FDCPA prohibited LLP from sending LLP Demand Letters of the type exemplified by Exhibit 1 (Illegal LLP Demand Letters) to consumers on behalf of LLP clients because use of such Illegal LLP Demand Letters gives the least sophisticated consumers receiving such Illegal LLP Demand Letters the misleading impression that such Illegal Demand Letters are communications from an attorney when, in fact, they are not. *See, e.g.*, *Murphy v. Bronson, Cawley, & Bergmann, LLP*, 2011 U.S. Dist. LEXIS 64600 at *18-*19 (D.C. S.D. Cal. 2011) where, with reference to the applicability of 15 U.S.C. § 1692e(3) of the FDCPA to facts similar to the ones at issue here, it is said: "A collection letter misleads a debtor as to an attorney's status when the letter appears to be sent by an attorney without the attorney's having both reviewed the debtor's file and gained some knowledge about the specific debt. The use of an attorney's letterhead and signature on a collection letter is sufficient to give the least sophisticated consumer the impression that the letters are

communications from an attorney." (internal citations and punctuation omitted)

8. LLP is a national law firm which represents hundreds of state and federal government agencies located throughout the United States in debt collection matters and which has in-house regulatory compliance attorneys on its staff to advise it about its obligations, *inter alia*, under the FDCPA. Its violation of 15 U.S.C. § 1692e(3) of the FDCPA, as complained of herein, was thus entirely knowing, intentional and deliberate.

Class Allegations

9. Plaintiff brings this action on behalf of himself and all others similarly situated.

10. The class represented by Plaintiff (Class) is comprised of the following: all consumers (i) whose accounts with LLP clients have been assigned by such clients for collection to LLP and (ii) who have ever received one or more Illegal LLP Demand Letters during the class period (as that term is defined, *infra*).

11. The class period begins on March 10, 2016 and ends on March 10, 2017 (Class Period).

12. On information and belief, Plaintiff alleges that there are thousands of members of the Class.

13. The identities of the members of the Class can be readily ascertained from LLP's business records.

14. Questions of law and fact common to the Class predominate over questions affecting only individual members, including, *inter alia:* Whether LLP ever had any attorneys review the files respecting (and gain some knowledge about the specifics of) debts owed to LLP clients sufficient to render LLP Demand Letter anything but Illegal LLP Demand Letters.

15. The claims of Plaintiff are typical of the claims of members of the Class as described above.

16. Treating this dispute as a class action is a superior method of adjudication since the joinder of all possible absent Class Members would be impractical.

17. Additionally, the amount of each restitutionary payment would be modest on an individual basis, although significant in the aggregate.

18. It would be impractical for most of the members of the Class individually to address LLP Defendants' wrongdoings.

19. There should be no significant difficulties in managing this case as a class action.

20. Plaintiff can and will fairly and adequately represent and protect the interests of the members of the Class.

21. Plaintiff has retained competent and experienced counsel, all of whom will vigorously represent the interests of the Class.

Sole Cause of Action (Violation of the FDCPA)

22. Plaintiff realleges ¶¶ 1-21.

23. LLP's wrongful acts as alleged, *supra*, have violated 15 U.S.C. § 1692e(3) of the FDCPA and thus made LLP liable to Class for up to five hundred thousand dollars ($500,000) plus statutory attorney fees and costs under 15 U.S.C. § 1692k of FDCPA.

WHEREFORE Plaintiff prays judgment as set forth below.

A. That the Class described herein be certified;

B. That Plaintiff be appointed the class representative and Plaintiff's counsel be appointed counsel for the Class (Class Counsel);

C. That, following certification of the Class and appointment of Class Counsel, the Court award Class up to five hundred thousand dollars ($500,000) in statutory damages plus statutory attorney fees and costs, all pursuant to the relevant provisions of the FDCPA;

D. For an award of attorney fees and costs to Class Counsel on either a common fund or statutory basis;

E. For such other and further relief as the Court may deem just and proper.

Dated: March 10, 2017

Walsh & Walsh PC
shierkatz RLLP
McGrane PC

By: ______________________
William McGrane

Attorneys for Plaintiff Daniel Chavez, an individual person, on behalf of himself and all others similarly situated

EXHIBIT 1

Linebarger Goggan Blair & Sampson, LLP
ATTORNEYS AT LAW
1515 Cleveland Place, Suite 300
Denver, Colorado 80202
Toll Free: 1(877) 258-5259
Fax: 1(800) 677-1934

JANUARY 19, 2017

46813079

DANIEL P CHAVEZ
1201 N ALLWOOD CIR
ANAHEIM CA 92807-2401

Violator: DANIEL P CHAVEZ
Account #: 12342497
Amount Due: $103.20
as of JANUARY 19, 2017

NOTICE OF UNPAID TOLLS AND PENALTIES

Dear DANIEL P CHAVEZ:

Please be advised that our firm has been retained to resolve the above-listed amount owed to the Orange County Transportation Authority (OCTA). According to our client, you have an outstanding amount due, as shown above, for unpaid toll violations and penalties incurred on the 91 Express Lanes. Please note that the outstanding amount includes violations and penalties about which you have previously been notified.

The California Department of Motor Vehicles records show the violation(s) listed on the attached page as having been committed in a vehicle registered to you at the time of offense. An audit of the 91 Express Lanes records shows the violation(s) as unpaid and seriously delinquent.

Please mail your cashier's check, money order or personal check made payable to OCTA-LGBS today. You may also make payment by credit card at **www.lgbswebpayments.com**, using **Client Code CAST91EL1** and **Online Payment Number 46813079**. In the event that your check is returned for any reason, you will be liable for an administrative fee of $25.00.

You have the right to request an Administrative Investigation by completing and returning the form on the back of this notice.

If you fail to respond to this letter within 30 days, the penalties will escalate up to $100 for the first violation, $150 for the second violation, and up to $200 for each additional violation within a 12-month period. Please note that prior referred violations may already be escalated or may be within a 30-day period of being escalated.

If you have questions regarding the outstanding amount, please contact LGBS at 1(877) 258-5259. Our office hours are Monday through Thursday 7:00 a.m.-7:00 p.m., Friday 7:00 a.m.-5:00 p.m., and Saturday 7:00 a.m.-11:00 a.m., Pacific Time.

WE HAVE BEEN RETAINED TO RESOLVE THIS MATTER ON BEHALF OF OCTA. CALLS TO OCTA OR 91 EXPRESS LANES WILL BE DIRECTED TO OUR OFFICE.

Sincerely,

Linebarger Goggan Blair & Sampson, LLP

NOTICE: SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

PLEASE COMPLETE AND DETACH THE REPLY FORM BELOW AND RETURN IN THE ENVELOPE PROVIDED

Linebarger Goggan Blair & Sampson, LLP
PO Box 659443
San Antonio TX 78265

Violator: DANIEL P CHAVEZ
Account #: 12342497
Reference #: 46813079
Payment should be in the form of a cashier's check, money order or personal check made payable to OCTA-LGBS.

When you provide a check as payment, you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check.

Ref. No. 468130798

DANIEL P CHAVEZ
1201 N ALLWOOD CIR
ANAHEIM CA 92807-2401

OCTA-LGBS
PO BOX 101281
PASADENA, CA 91189-1281